

Remarks/Arguments

Status of the Application

Claims 1-30 are pending in the application. Claims 2, 4 and 22-25 are withdrawn from consideration as addressed to unelected subject matter following election/restriction.

Claims 1, 3, 5-21 and 26-30 remain pending in the application. The pending claims stand rejected.

Claim Amendments

Claims 1 and 26 are amended to advance the prosecution by specifying that the copolymer comprising the crosslinkable component of the coating composition consists essentially of the copolymer having functional groups and one or both of: (i) up to 10% by weight of one or more functional acrylate monomers and (ii) up to 10% by weight of one or more non-functional methacrylate monomers. In addition, in claim 26, the words "provided with said functional groups" were introduced apparently in error and are being deleted (because these monomers are non-functional, they do not by definition contain the functional, i.e., crosslinkable groups).

No new matter is being introduced by the claim amendments.

Claims 1 and 26 are independent claims.

Cancellation of Claim 18 is acknowledge

Applicants acknowledge that claim 18 was canceled in their amendment dated April 17, 2009, and thank the Examiner for pointing this out in the current Office Action.

Claim Rejections – 35 USC § 102

Claims 1, 3, 5-11, 13-16, 19-21 and 26-30 stand rejected as allegedly anticipated by Hintze-Bruning et al., US 6,297,314.

Applicants respectfully submit that at the very least, the present claim amendments demonstrate novelty over Hintze-Bruning, without conceding the merits of the rejections over Hintze-Bruning. Moreover, Applicants respectfully assert that the Office Action has failed to make a primary case of anticipation (lack of novelty).

Hintze-Bruning discloses a coating composition that adheres to plastics, has good adhesion, light resistance, chemical resistance, and moisture resistance. The composition is composed of a binder having components (A) and (B) and a cross-linking polyisocyanate component, (C). The component (A) is composed of one or more polyesters where component (A) has an OH number of from 80 to 200. Component (B) is one or more polyacrylate resins where component (B) has an OH number of from 80-200. See, e.g., Col. 2, 35-40. The binder is then composed of from 40 to 80% by weight of component (A), and from 60% to 20% by weight of component (B). Col. 3, lines 11-15. There is no discernible reference in the Hintze-Bruning patent to polydispersity of the binder used in the coating.

Polymers disclosed in Hintze-Bruning are different from the polymers in the instant application based at least on the following facts:

(1) **Different OH number.** Hintze-Bruning discloses a binder made up of two essential components, (A) and (B), both of which have an OH number of from 80 to 200. By contrast, the independent claims specify that the copolymer has, on average, 2 to 25 crosslinkable groups (including OH).

These facts clearly demonstrate that the polymers disclosed in Rink et al are distinctive from the polymers instant disclosure and claims.

(2) **Different monomer composition.**

In addition, Hintze-Bruning require more than **both** functional acrylate and functional methacrylate monomers in that both the polyester component, which (A), and the polyacrylate resin component, which is (B), have OH crosslinkable groups (see above).

The copolymer of the present claims requires non-functional acrylate and functional methacrylate monomers.

(3) **Polydispersity.**

The present claims require polydispersity in the range of 1.05 to 2.5. There is no discernible disclosure or teaching in Hintze-Bruning of polydispersity.

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Given that the elements of amended claims 1 and 26 do not read on Hintze-Bruning in at least the foregoing respects, these claims and their dependent claims are novel over this reference.

Claim Rejections – 35 USC § 103

Claim 12 stands rejected as allegedly obvious over Hintze-Bruning in view of Roesler et al., US 2003/0232942 A1. Claim 17 stands as allegedly obvious over Hintze-Bruning in view of Gupta et al., US 6,867,250. Both claims 12 and 17 depend directly from claim 1, as currently amended. Applicants respectfully submit that claim 1 has been demonstrated to be novel; it is not rejected under this statute, therefore, it is concededly non-obvious over Hintze-Bruning and Roesler or Hintze-Bruning and Gupta. Claims 12 and 17 should therefore be deemed patentable in light of the foregoing distinctions between the present subject matter and the Hintze-Bruning, as applied above.

Conclusion

Should the Examiner have questions about the status of the application or the contents of this paper, the Examiner is invited to call the undersigned at the telephone number listed below.

Respectfully submitted,

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